Government of South Australia
Attorney-General's Department

ASSESSMENT REPORT

PUBLIC ENVIRONMENTAL REPORT FOR VARIATION 2:
HELICOPTER LANDING FACILITY

PEREGRINE CORPORATION MIXED USE DEVELOPMENT
270 THE PARADE, KENSINGTON

MARCH 2021

EXECUTIVE DIRECTOR, LEGAL AND LEGISLATIVE SERVICES, ATTORNEY GENERAL'S DEPARTMENT
UNDER DELEGATION FROM THE MINISTER FOR PLANNING AND LOCAL GOVERNMENT

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Executive Summary

On 16 May 2017, the Governor of South Australia granted a development authorisation to the Peregrine Corporation for construction of a multi-level, mixed use, headquarters building at 270 The Parade Kensington. An application to include a Helicopter Landing Facility on the roof of the building was lodged in October 2018, with revised assessment guidelines published.

A Public Environmental Report (PER) level of assessment was determined to be the most appropriate level of assessment, with revised guidelines determined by the State Planning Commission. The applicant's PER was made available for public comment, with additional feedback sought from the Norwood, Payneham and St Peters (NP&SP) and Burnside Council's and relevant State Government agencies. A total of 328 submissions were received from members of the public.

Key concerns raised in the public submissions related to the inappropriateness of the amended land use, aviation safety, acoustic disturbance, hours of operation, loss of heritage character, erosion of residential amenity, visual impacts and there being no overriding economic or public benefit from the proposal. The local Councils focused on the public safety risks, and the heightened disturbance from noise impacts from helicopter operations.

The Environment Protection Authority (EPA) has recommended that the proposal be refused, as the General Environmental Duty under the *Environment Protection Act 1993* could not be met.

While design and heritage matters were raised by the Government Architect and Heritage SA, these were largely matters of clarification, and were not critical to the assessment of the proposal. Similarly, the advice of the (former) Department of Planning, Transport and Infrastructure, Civil Aviation Safety Authority (CASA), and Air Services Australia found that the development was capable of operating within established aviation guidelines and not give rise to additional arterial road impacts.

The two critical assessment issues were land use incompatibility (as a result of excessive noise impacts to residential occupiers and businesses) and the heightened risk to the public from helicopter operations (outside of zones and facilities designated for that purpose) within a well-established, densely populated and frequented urban area where no similar activities currently exist.

The assessment report concludes the development is not supportable because of a heightened risk of aviation flight failure, the consequences of which would be catastrophic in a densely populated, urban area. The establishment of a helicopter landing facility represents a substantial departure from the desired development within the Business Zone and more sensitive neighbouring zones of the local Development Plan, and is wholly inconsistent with surrounding and envisaged land uses.

The proposal will introduce overwhelming negative and intrusive amenity impacts to the surrounding sensitive land use residents and occupiers from its operation. The proposed helicopter landing facility and associated activities do not meet the general environmental duty required by section 25 of the *Environment Protection Act 1993.*

The provision of helicopter take-off and landing facilities in the Adelaide metropolitan context is reserved either for critical health infrastructure, where the transfer of hospital patients serves a higher public purpose, or airport facilities where aviation services and infrastructure is centralised. There exists no compelling rationale for undermining this key principle.

Given the inherent and fundamental conflict between the proposal and the surrounding locality the proposal should be refused, with no meaningful or acceptable mitigation measures possible.

Key Reference Dates for the Peregrine Major Development

Milestone	Date
Declaration of Major Development	26 November 2015
Release of Guidelines + Level of Assessment	10 February 2016
Variation to Declaration	22 September 2016
Release of Revised Guidelines	26 September 2016
Release of DR for public comment	30 September 2016
Release of Public Submissions	27 October 2016
Release of Response document	5 April 2017
Release of Assessment Report by Minister	16 May 2017
Governor's Decision	16 May 2017
Variation 1 – Governor's Decision	26 April 2018
Variation 2 – Amended Declaration	19 September 2018
Lodgement of application	15 October 2018
Release of PER Guidelines	14 December 2018
Release of PER for public comment	29 January 2020-13 March 2020
Public Meetings	18 February 2020
Release of Public Submissions	25 May & 2 June 2020
Release of Response Document	1 February 2021

1 Introduction

This Assessment Report (AR) assesses the environmental, social and economic impacts of a proposal by Peregrine Corporation (the Applicant) for a Helicopter Landing Facility on the roof of the approved mixed-use building at 270 The Parade, Kensington.

The subject site is located at the south-eastern corner of The Parade and Portrush Road intersection and has a total area of 6014m^2. The subject site currently comprises the Peregrine Corporation head office and warehouse, built in 1970, and associated car parking. It has been operating as Peregrine Corporation's headquarters for more than 10 years and accommodates 249 staff members (at the time of the PER submission).

The locality is characterised by a mixture of commercial buildings, places of worship and residential land uses, with a strong heritage context. All other corners of the intersection comprise State Heritage Listed buildings, notably the Clayton Wesley Uniting Church in the north east corner of the intersection. Abutting the site are residences to the south east, Mary MacKillop Tappeiner Court Nursing Home to the south, and commercial businesses to the west.

2 Background

2.1 The Major Development Process

Section 46 of the *Development Act 1993* (the Act) ensures that matters affecting the environment, the community or the economy to a significant extent, are fully examined and taken into account in the assessment of this proposal.

The major development process has six steps:

- The State Planning Commission sets the level of assessment (Environmental Impact Assessment, Public Environmental Report or Development Report) and provides guidelines
- Applicant prepares an Assessment Document (in this case a Public Environmental Report)
- Public and agency consultation on the Assessment Document for a period depending on the level of assessment
- Applicant responds to comment on the Assessment Document in the form of a Response Document
- Assessment of the proposal by the Minister or delegate and releasing the Assessment Report (**this stage**)
- Decision by the Governor or delegate

On 14 December 2018 the State Planning Commission (SPC) determined that the proposal would be assessed through a Public Environmental Report (PER) level of assessment and issued a comprehensive set of Guidelines for detailed investigation by the applicant.

The Guidelines identify the potential risks and impacts associated with the proposed helicopter landing facility, noting its proximity to a range of sensitive land uses. The potential issues and impacts have been organised according to the level of work and attention required by the Applicant in the PER as follows:

1. Critical Assessment: aviation operations, neighbourhood interface
2. Medium Assessment: design quality, heritage context
3. Standard Assessment: traffic impact, economic impact, employment

On 6 November 2019 the Applicant submitted a completed PER which was prepared in accordance with the Guidelines and specifically addressed each guideline.

The PER was released by the former Minister for Planning for public exhibition for a period of six (6) weeks from 29 January to 13 March 2020. Two (2) information session were held on 18 February 2020 at the Norwood Town Hall, during which members of the public were invited to attend and discuss the proposal with representations from DPTI-Planning and the Applicant. The PER was also referred to Council and relevant government agencies for a period of 30 business days.

Copies of all submissions from the public, Council and relevant agencies were provided to the applicant who then prepared a Response Document.

Pursuant to Section 46C(9) of the Act, in preparing this AR the Minister must take into account the applicant's PER, public, Council and State Government Agency submissions, the applicant's response to these submissions, and other matters that the Minister considers appropriate.

On 3 March 2021, the Minister for Planning and Local Government delegated the powers, functions and duties under section 46C(9), (10), (11) and (12) of the *Development Act 1993* in relation to the assessment of this major development, to the Executive Director, Legal and Legislative Services, Attorney General's Department, including the preparation of the assessment report.

This report will be considered by the Governor in making a final decision under Section 48 of the Act.

3 Proposal

3.1 Overview of the Proposed Development

The previously approved (but not constructed) development includes:

a) The demolition of all existing structures on the subject site
b) Construction of a seven (7) storey mixed use building comprising:
    - Retail tenancies
    - Office tenancies
    - A restaurant, gymnasium and pool
    - Accommodation premises for business related purposes; and
    - Car parking.

The Variation comprises one (1) aluminium fabricated helipad and an adjacent concrete slab to be constructed on the roof of the headquarters building. The facility is proposed to be used for transporting people to and from the subject site for business purposes associated with the use of the land. No commercial flights or flights unrelated to the Peregrine Corporation are proposed to be undertaken.

The applicant has advised that arrivals and departures will not occur on more than 10 days per year and during daylight hours only. The PER Air Quality Impact Assessment document noted the maximum number of helicopter trips using the facility is expected to be 8 trips per day and the highest anticipated number of helicopter movements in one hour was three trips.

The applicant has advised that where possible 24 hours' notice will be provided before an operational day and a register of operational days will be kept to ensure the 10 days are not exceeded. An Emergency Management Plan will be prepared which details safety management, risk management, and emergency landing procedures.

Three (3) types of helicopters are proposed to be used (refer Figure 1):

- BELL 206 – one pilot, 4 passengers;
- EC 130 – one pilot, 6 passengers; and
- AW109/H109 – one or two pilots, 6-7 passengers.

Bell 206B *EC 130* *AW109*

Figure 1: Proposed helicopter types
Source: PER, prepared by Air Quality Professionals

No helicopters or fuel will be stored on site nor will any on-site servicing occur.

The helipad, prefabricated and of aluminium construction, is to be delivered and assembled on site. The helipad is a polygon shape with a diameter of 19.6 metres, a safety net with a width of 1.5 metres and a depth of 1.07 metres (excluding steel transition height).

The supporting structures of the helipad and slab including associated access stairs, building stair cores, and are exposed and visible above the glass façade. The internal stairway cores penetrate the roof level and discharge above, but are not connected to the helipad and/or concrete slab. Access to the raised helipad is via an external set of stairs at the outer edge of the structure.

Adjacent to the helipad is a concrete slab of similar dimensions. No formal use is sought or envisaged for the concrete slab as part of this variation application, however the slab will be available as an informal/temporary landing site for helicopters in the event of an emergency. The slab will be engineered to the appropriate standards and include basic markings including a 'prohibited landing marker'. Use of the concrete slab as an emergency landing facility will be documented and governed in an Emergency Management Plan.

In addition to the helipad and associated structures, the variation proposal also includes two other minor design adjustments as a result of further survey and engineering investigations:

- On-site survey work indicates a significant fall across the site. To address this the ground floor of the building has been split by 150mm to ensure the building can accommodate vehicle access to the rear and be set above the ground level at the front. This has resulted in a level change to the main building entry (corner of Portrush Road and The Parade) which cannot be accommodated with ramping and has resulted in the inclusion of steps. Dedicated DDA compliant ramps are proposed in close proximity.
- The variation plans include an amended 'lantern roof' to the top of atrium. The change is due to engineering advice provided on the required thickness for the structure. The soffit treatment has yet to be finalised but it is intended to be finished in a metallic light coloured material to reduce the visual impact of the roof / ceiling to the top of the atrium.

The overall building height remains at 34.85m above ground level as previously approved.

The Applicant considers that the helicopter landing facility is a necessary requirement to support a major event at the Bend Motorsport Park, which is a significant economic contributor to the State.

3.2 Site Description

The development is located at 270 The Parade, Kensington, and comprises seven (7) allotments:

Lot/Plan	Street / Road	Suburb/ Locality	Hundred	Title
A12, DP61746	The Parade	Kensington	Adelaide	CT 5933/307
A13, DP61746	The Parade	Kensington	Adelaide	CT 5933/308
A8, FP103498	The Parade	Kensington	Adelaide	CT 5134/144
A94, FP139174	The Parade	Kensington	Adelaide	CT 5272/818
A96, FP139176	The Parade	Kensington	Adelaide	CT 5272/819
A95, FP139175	The Parade	Kensington	Adelaide	CT 5265/136
A23, DP410	The Parade	Kensington	Adelaide	CT 5271/714

The subject site is located at the corner of The Parade and Portrush Road, in the south eastern corner of the intersection (Figure 1). The site has a total area of 6014m^2 with frontages of 106m to The Parade, 61m to Portrush Road, 48m to High Street, and 118m to Bowen Street.

The site currently contains Peregrine's two storey head office building, oriented to the North West toward The Parade / Portrush Road intersection. The building was constructed in 1970 and is a contemporary style. A car park of approximately 40 spaces is located in the north eastern corner of the subject site (access from Bowen Street) and a small car park is located in the north western corner of the site with access from Portrush Road (left in, left out only). A loading dock is located at the rear of the existing building with access from Bowen Street.

The subject site is flat with numerous street trees along Bowen Street and The Parade. The trees located along The Parade frontage are both within the subject site and within the road reserve.

3.3 Locality Description

The locality is characterised by a mixture of commercial, places of worship and residential land uses, with a strong heritage context (refer Figure 2).

The subject site abuts a Residential Zone at its rear (south east) along Bowen Street where the dwellings are predominantly two-storey townhouse style (refer Figure 3). Two dwellings located at 6 and 8 Bowen Street are Contributory heritage items, constructed in 1875 and 1880 respectively.

To the south of the subject site is Mary MacKillop Tappeiner Court Nursing Home at 286 Portrush Road (backing onto High Street). This site caters for the elderly and is a two-storey building.

To the North West and south west of the subject site are various commercial land uses fronting onto the Parade, being predominately single and two storey buildings.

The locality comprises numerous State, Local and contributory heritage places within a Historic Conservation Zone. To the north of the subject site is the State Heritage listed Clayton Wesley Uniting church complex which comprises the church, chapel, Hope Hall & Clayton Institute. The State Heritage Places in direct proximity to the subject site are listed below and depicted in Figure 4:

- Corner Portrush Road and High Street: Benson Memorial Drinking Fountain (cnr Portrush & High Street);
- 258-262 The Parade: two-storey shops & upstairs dwelling;
- 239 The Parade: former Norwood Wesleyan Methodist Church; and
- 278 Portrush Road: Clayton Wesley Uniting (former congregational) church complex – church, chapel, Hope Hall & Clayton Institute – City of Burnside.

Figure 2: Location of Development

Figure 3: Current Land Uses

Figure 4: Site and Heritage Context

3.4 Development Plan Zoning

The subject land is within the Business Zone of the Norwood Payneham St Peters Council Development Plan. This zone seeks the development of offices, consulting rooms, retail showrooms and in identified locations, residential development above ground floor non-residential land uses.

Similarly zoned centre, mixed-use and commercial areas are situated along The Parade (including within the neighbouring Burnside Council), with a Residential Historic Conservation zone to the immediate south-east of the development site, whilst residential areas are generally one-street behind the existing commercial land uses along the Portrush Road and The Parade intersection.

In considering the proposal, and the extended noise and disturbance impacts beyond the site (as a result of helicopter operations from the rooftop, and associated take-off and landing procedures), the more sensitive residential zones are characterised by their well-established nature and historic character. Planning policies in these areas support development that is sympathetic and compatible with the heritage value and historic character of the locality, and should not prejudice the continuation of existing, long-established land uses.

Council-wide policies seek to ensure both the compatibility of land uses and the avoidance of those activities which may impact upon or compromise existing residential character and amenity, for what are predominately residential areas to the north and south.

New development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following: (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants; (b) noise; (c) vibration; (d) electrical interference; (e) light spill; (f) glare; (g) hours of operation; or (h) traffic impacts.

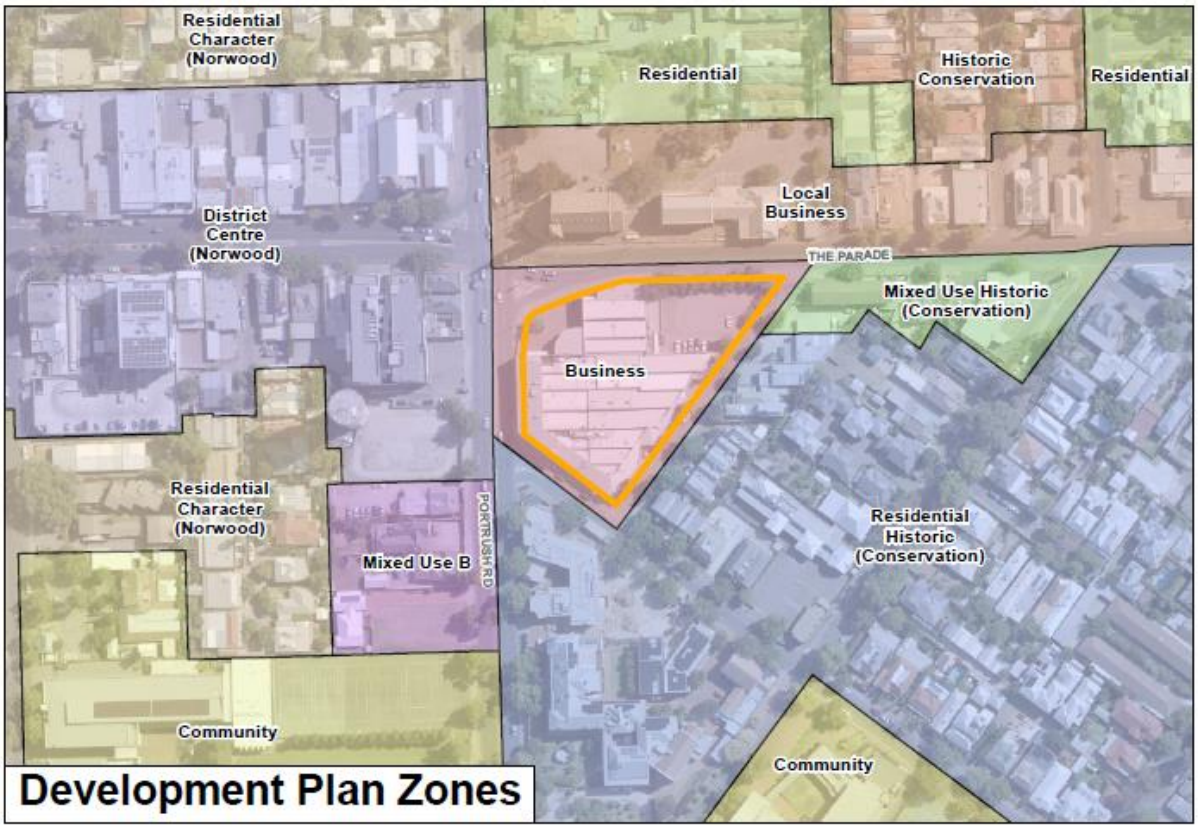

Figure 5: Zoning Context

4 Consultation

4.1 Community

The Applicant's PER was placed on public exhibition from 29 January to 13 March 2020. The PER documents were made available online at www.sa.gov.au/majordevelopments and advertised in *The Eastern Courier* and *The Advertiser*, and in hard copy and USB format at the offices of the Norwood Payneham St Peters Council and State Planning Commission.

Two public information sessions were held on 18 February 2020 at the Norwood Town Hall.

During this period, 328 formal submissions were received (refer Applicant's Response Document). Of the submissions, some representors wished their submissions to remain confidential and others provided more than one submission.

In general terms, the key matters raised were around impacts on adjacent residential amenity (noise / visual and privacy impacts), impacts on heritage values of important places, and safety concerns. There were also a range of questions around procedural matters, such as responsibilities for enforcement of number of flights etc.

Issues raised in public submissions are summarised below in Table 1:

ISSUE / CONCERN	DETAIL
Land Use	• Incompatible with surrounding land uses/private and exclusive landing pad in residential area • Support for the proposal in relation to the approved development • Inconsistencies with 30-Year Plan for Greater Adelaide and Development Plan

ISSUE / CONCERN	DETAIL
Visual impact	• Unattractive at prominent intersection
Heritage	• Potential danger to adjacent Clayton Church heritage fabric from vibrations • Adjacent Convent with Sisters of St Joseph as residents
Helipad Design	• Second landing pad – concerns around it being for used for ongoing purposes.
Air Traffic	• Is there a wind sock on the proposal? • What management is there between Adelaide airport and this facility?
Safety	• Risk of air craft crashes in residential area – Australia's Transport Safety Bureau's statistics – helicopters consists of 25% of aviation accidents • Risk of crashing near/on school campus and students being injured • Bird and bat strike • Previous accidents in highly populated areas around the world • Increased risk to residents from 10 days of flights • Listing a school oval as an emergency landing site is not acceptable or supported • Distracting to passing drivers, adjacent major intersection • Vibration from rotors • Difficulty in evacuating children from school oval • Duty of care to students • Rotor wash and wind shear to adjacent buildings • Potential for pilot error – when the aircraft is low and slow less time for pilot reaction • Prevailing weather in locality – high winds • Risk of foreign object debris • Risk assessment not properly undertaken • Firefighting and emergency services not detailed by applicant in case of emergency
Hours of operation	• Lack of clarity around when the facilities would be used; and how often during 1 calendar day • Lack of clarity around daylight hours and facility use • 10pm is not a period of daylight
Overlooking	• Privacy concerns to adjacent land when overhead in helicopter • Backyards adjacent proposal expected to be impacted by people over looking from roof/helipad
Acoustics	• Noise impacts on local area on landing and within flight path (85-95db) are expected to be significant • Studies not undertaken outside of Bowen Street – impact from flightpath • Dispute the modelling – the view is that helicopter noise will increase the overall noise levels rather than be subsumed into them • Impacts on funerals and weddings at adjacent church • Timing of start-up and shut down not explained in detail within documents as well as expected noise levels from these activities • Noise levels from proposed helicopter type – going to be greater than acceptable levels • Misleading comparison of existing noise and predicted noise – profile of noise, duration and elevation of the noise source

ISSUE / CONCERN	DETAIL
	in conjunction with sensitive receptors does not take into account the suburban context
Residential amenity	• Pollution • Impact on quiet enjoyment and health of residential occupants including older people in nursing homes/aged care facilities • Low level of flight path over residential dwellings • Village character at odds with proposal
Economic	• Lack of positive contribution to community generally • Justification doesn't stack up – impacts on the community are more detrimental than economic positives for the applicant, other business and pleasurable experience for visitors • No significant job creation as a result or impact the State's economy in a positive manner
Infrastructure	• High tension powerlines on Marraytville high school campus which was noted for emergency landing • Battery Reserve has 16 upright poles within the reserve space potentially dangerous in emergency landing circumstances • Impact on Wi-Fi connectivity, mobile phone towers in local area
Other options	• Use of the Adelaide Airport • Connection for visitors by road • Site the proposal at an industrial park • Government compulsory acquires site to relocate business elsewhere • No flights on Sundays • Restricted to 10 months a year • Cap the number of flights – references to Melbourne and City of Adelaide
General issues	• Not included in first development proposal • 'Need' has not been clearly demonstrated • Comparison to Royal Adelaide Hospital site and surrounding safety mechanisms • Concerns regarding potential for future applications for an increase in days • 8 storey Coles Development at 166 Parade is not referenced by the applicant • Stress to animals • Use of public land for private activity – emergency landing on school grounds • Who is responsible for monitoring number of flights and what information will be provided to the community in this regard, given not a licenced activity by EPA? • Independent studies should be undertaken by state government • Accuracy of information supplied by applicant • No response given to 'fly neighbourly guide' as not a legally enforceable document and register of flights not going to be made available to public • Lack of formal policy or guideline for the proposal to be considered • Interpretation of EPA licence (1km of residential properties) • More residents to be impacted on than the number the applicant refers to

ISSUE / CONCERN	DETAIL
Post approval/ conditions or enforcement	• Enforcement of conditions, including penalties • Trial period for 12 months, survey and evaluation for feedback • Flights should be limited to occur only after 9am on weekends • Applicant should fund retrofitting adjacent dwellings with sound proofing, double glazing and other materials to reduce noise • An email or text alert/website notice to provide advance notification of flights and hours of operation
Issues not considered by this Assessment Report	• Increased development of the Norwood area has increased congestion and traffic to residential streets • Car parking • Swimming Pool • Building height and overshadowing, scale • Impacts on land values • Whether a precedent is set by this proposal • Planning and Design Code policy formulation

Table 1: Issues raised in public submissions

4.2 City of Norwood, Payneham & St Peters

The proposal is within the City of Norwood, Payneham and St Peters. The Council considered the application at its meeting on 2 March 2020. Key points from Council's advice are as follows:

- Public safety risks associated with the development are considered unacceptable and have been inadequately addressed in the PER.
- The proposal will have significant adverse residential amenity impacts on surrounding residents, specifically noise impacts.
- Restrictions, limiting operations to 10 days per year, are problematic and Council consider this to be an improper planning condition; namely seeking to limit the use of a facility that is designed for far more intense usage without addressing the appropriateness of the use.

Council advised that in the event the Governor approves the development, Council raised the intention to consider issuing an order to the landowner, pursuant to section 69 of the *Development Act 1993,* to not operate the facility due to safety risks.

4.3 State Government Agencies

4.3.1 Environment Protection Authority

Noise

The EPA considered the potential noise impacts of the proposal and concluded that:

- the proposal would not meet the Australian Standard indoor noise levels;
- the potential noise impact from take-off / landing phases would extend to a radius of 2.3km;
- in comparison to typical road noise, local communities will find the introduction of new or unfamiliar noise into an established residential area more noticeable and impacting; and
- the PER does not provide a holistic picture of the potential noise impacts due to limited spatial extent and modelling one flight path.

Importantly, the EPA considered the proposal's ability to comply with the General Environmental Duty (GED). The EPA concluded that the proposal does not comply with the GED and recommended that the proposal not be supported.

Air Quality

The EPA reviewed the Air Quality Impact Assessment and was generally satisfied that the inherent conservatism built into the air dispersion modelling and impact assessment is appropriate, specifically the NO_x as NO_2 assumptions.

The EPA noted further information on the air dispersion modelling parameters has been provided, specifically regarding the 'Low Wind' option. This information appears to be a scientifically defensible best estimate.

The EPA confirm that based on the modelling, the predicted air quality impacts associated with the proposal would comply with the Air Quality Policy.

The EPA's assessment is further detailed in section 5.4 of the AR.

4.3.2 Office for Design and Architecture SA (ODASA)

The Government Architect reviewed the amended plans, noting that the variation includes ground floor plane amendments as a result of site survey work undertaken. It was noted that the overall building height remains at the previously approved 34.85m, however site level survey work has confirmed the reduced level (RL) of the building are 1.35m above those previously approved.

The Applicant was asked to detail how the relationship of the building and podium levels and overlooking of the rear Bowen Street properties had changed. Additional plans were also requested to review the new entrance stair and ramp configuration and ensure universal access and the arrival experience was appropriate.

The Government Architect noted the proposal results in a number of elements that contribute to visual clutter at the rooftop which was inconsistent with the original design intent. To review the visual impact of the rooftop infrastructure, confirmation of the height of the infrastructure within the cooling tower set down area was requested.

The Government Architect sought clarification on a number of matters:

- how the proposal delivers the original design intent;
- the proposed atrium soffit lining treatment and the material composition of the upper fascia of the atrium; and
- how the proposal may be designed or screened to reduce the visual clutter on the rooftop.

4.3.3 Heritage South Australia, Department for Environment and Water

Heritage SA provided comment in relation to Guideline 4 (Heritage Context), in particular in relation to the neighbouring State Heritage Places.

Heritage SA concurs with the statements within the Heritage Impact Assessment that the variation to incorporate a helicopter landing facility is not considered to impact on the nearby State heritage places given the changes will generally not be visible from the context of the heritage places.

Heritage SA highlighted the relevant requirements of the *Heritage Places Act 1993* and *Aboriginal Heritage Act 1998.*

Heritage SA requested the Applicant to review local heritage places and contributory items and provide commentary how the proposal relates to these items.

4.3.4 Department of Infrastructure and Transport (DIT)

The Department of Infrastructure and Transport (former DPTI) provided comment in relation to Guideline 5, pertaining to traffic impact. Specifically, the Commissioner noted the road hierarchy and patronage surrounding the subject site and concluded that the proposal is unlikely to alter the traffic generation or traffic impacts of the approved development. No comment was made on the aviation components of the proposal.

4.3.5 CASA and Air Services Australia

CASA does not authorise the establishment of Helicopter Landing Sites (HLS).

The responsibility for approvals and conditions is a matter for the relevant (state based) planning authority. In addition, aircraft noise is not regulated under civil aviation safety requirements and CASA does not comment on aircraft noise issues. All noise related enquiries should be directed to Airservices Australia (ASA).

However, the owner of a facility must ensure the landing site is suitable for the intended operations, and that obstacles adjacent to the landing area are not hazardous. Any civil aviation requirements do not negate a pilot from other legal responsibilities under other legislation of which CASA has no authority in enforcing, such as privacy or noise abatement.

ASA advised that at the building's approved height of 104.2m (342ft) AHD, the development will not affect any sector or circling altitude, nor any instrument approach or departure procedure at Adelaide Airport. In addition, the proposed development should not adversely impact the performance of Precision/Non-Precision Navigational Aids, HF/VHF Communications, A-SMGCS, Radar, PRM, ADS-B, WAM, or Satellite/Links. No objection was raised to the development.

5 Assessment of the Main Issues

5.1 Introduction

Pursuant to Section 46C(9) of the Act the Minister must prepare an Assessment Report on the application taking into account:

- the Applicant's Public Environmental Report (PER)
- any submissions made in respect of the PER by members of the public,
- the Applicant's response to public submissions as detailed within the Response Document (RD),
- any comments provided by relevant State Government agencies (including the EPA) and the Council, and
- any other comments or matter as the Minister thinks fit.

The variation for a Helicopter Landing Facility will also be assessed against the Guidelines as approved by SPC in December 2018 as well as the NP&SP Development Plan, State Government legislation and policy, and relevant industry guidelines and standards.

The assessment section of this report is structured as follows:

- Statement of the guideline and any other relevant policies or standards;
- Outline how the Applicant proposes to comply with the guideline;
- Provision of an assessment including consideration of any relevant Development Plan policies; and
- A conclusion including any recommended conditions to be attached to the Governor's Authorisation

5.2 Need for the Proposal

As part of the PER, the Applicant has provided a rationale and justification for the proposal from its perspective, including reasons for the proposed location, scale and staging. The applicant considers that the proposal is required for the following reasons:

- The helicopter landing facility is an integral part of the overall redevelopment;
- The proposal will greatly assist the Applicant in conducting their business operations;
- There is a need for quick, accessible transport to ensure a pleasurable experience for overseas and interstate business guests;
- The proposal will facilitate transport between the Applicant's headquarters and the Tailem Bend Motorsport Park Complex; and
- The flow on effect of the proposal is anticipated to have beneficial economic benefits for the South Australian economy.

The provision of helicopter take-off and landing facilities in the Adelaide metropolitan context is reserved either for critical health infrastructure, where the transfer of hospital patients is required to maximise health outcomes and accordingly serves a higher public good purpose, or airport facilities, where aviation services and infrastructure is centralised for efficiency purposes and management of impacts (including on-call specialist emergency services personnel and equipment).

The development of non-emergency, helicopter landing facilities in other Australian cities, is mostly confined to existing airports and standalone heliports, such as on the Yarra River in Melbourne or at Mascot, Parramatta and Bankstown in Sydney. Other developments are located and/or proposed in CBD locations, but service both business and tourist travel, not separate, non-public facilities for standalone businesses. The Melbourne heliport was positioned to take advantage of the nearby railyards and river, to ensure that flight paths minimised impacts to more sensitive land uses.

The AR concludes that the information presented identifies no compelling rationale for undermining this key principle of land use planning.

5.3 Aviation Operations

Guideline 1: Evaluate the impacts of the Helicopter Landing Facility to the locality, including key risks, and identify required management techniques to mitigate and suitably address those impacts and risks.

This Guideline required an assessment of the operations of the Helicopter Landing Facility and associated safety risks, with a particular focus on emergency planning and response. Information on safety and emergency planning, alternate landing facilities, nature, frequency and timing of the use and alignment with other regulations was identified.

The PER included an Aviation Specialist Advice Report, prepared by Flight Safety Pty Ltd.

5.3.1 Nature, frequency and timing

In relation to the proposed nature, frequency and timing of the proposed use the applicant identified the use of three types of helicopters, namely:

1. BELL 206 (13m 'D' value) – on pilot, 4 passengers;
2. EC 130 (13m 'D' value) – one pilot, 6 passengers; and
3. AW109/H109 (13m 'D' value) – one or two pilots, 6-7 passengers.

The Applicant noted the highest noise levels occur during the hover (usually 45 seconds) and take-off (usually 60 seconds) flight phases. The start-up and departure phases take between 5-10 minutes. The idle phase is noted as the lowest noise level and is typically completed within ten minutes of landing (i.e. 3 minutes shut down and 7 minutes offload).

The Applicant's aviation consultant identified several mitigating factors which are integral to controlling the noise impacts created by the proposal. Most notably, given the height of the approved seven-storey headquarters, maximum noise will occur at a level which allows for the maximum shielding effect through the extended rooftop area, with the lowest noise occurring on the helipad during the idle phase.

Helicopter movements are proposed on no more than 10 days per year and during daylight hours only. The PER Air Quality Impact Assessment document noted the maximum number of helicopter trips using the facility is likely to be 8 trips per day and the highest anticipated number of helicopter movements in one hour was three trips. The proposal is to be utilised by the applicant only and does not involve other unrelated commercial flights.

Submissions received raised concerns with the hours of operation, specifically the lack of clarity around how often the facility would be used per day. Similarly, submissions identified a lack of information around the 'daylight hours' referenced in the PER and the nominated operating hours of 7:00am to 10:00pm which extend beyond the hours of daylight. Suggestions were made that, in the event of an approval being granted, the Applicant should provide advanced warning of flight days, however this would be an operational issue and not a planning assessment matter.

The adjacent concrete slab will be designed as an informal landing site in the event of an emergency only. It is proposed to be marked as an unserviceable space, for emergency landings only. The second helipad has been designed to meet the requisite aircraft Weight and Size specifications.

Within the Norwood Payneham and St Peters (City) Development Plan, the subject site is located within the Business Zone; the general desired character being to deliver upgraded, expanded and consolidated business activities. The Development Plan is silent on assessment provisions directly relating to helicopter landing facilities, as these are types of land uses not anticipated outside of designated zones and areas (such as established airports and critical care facilities).

References within the Development Plan to aircraft extend only to the height of buildings to ensure that existing airspace requirements (i.e. clear zones) to and from airports are protected.

Despite the subject site being within a Business Zone, the prevailing land use pattern of the surrounding area is residential. From a land use perspective, the introduction of an aviation operation represents a substantial departure from those Development Plan provisions which seek the orderly development of land for its intended purpose, and not to introduce an incompatible use that may disrupt, impede or erode the current or envisaged use of the land.

The PER makes reference to the proposal being ancillary to the previously approved headquarters, allowing for a more efficient operation of the Applicant's business operations. Ancillary land uses are

typically activities which are subordinate to the primary use and have an essential association between the two uses. In this instance, a helicopter landing facility does not preclude the operation of the office land use and it could be concluded that there is not a strong correlation to the typical operation of the primary office land use. The introduction of an ancillary land use with substantially greater amenity impacts than the primary use highlights the incompatible nature of the proposal.

In addition, the development is not necessarily to serve a direct *local* business use, but rather to support events and promotions associated with The Bend Motorsport Park.

Public submissions raised concerns regarding the interpretation of whether the proposal requires a licence from the EPA. Schedule 1 of the *Environment Protection Act 1993* (the EPA Act) prescribed activities of environmental significance as follows:

> Schedule 1 – Item 8 Other
> (3) Helicopter Landing Facilities
> the conduct of facilities designed for the arrival and departure of helicopters, but excluding—
> a) facilities at an aerodrome licensed under Part 6; or
> b) facilities at which helicopter arrivals or departures take place on not more than 10 days per year; or
> c) facilities that are situated more than 1 kilometre from residential premises not associated with the facilities; or
> d) facilities at the site of an activity authorised under the *Mining Act 1971*, the *Petroleum Act 2000*, the *Petroleum (Submerged Lands) Act 1982* or the *Roxby Downs (Indenture Ratification) Act 1982*.

In this case, the proposed helicopter arrivals and departures taking place will not occur on more than 10 days per year in line with part b) of the above section of the EP Act.

5.3.2 Emergency planning, response and alternative landing facilities

Given the proximity of the subject site to residential development, educational, community and public facilities, businesses and major arterial roads, the operation of the proposal and associated safety risks were to be investigated in the PER with a particular focus on emergency planning and response. The considerations, parameters and limitations were to be investigated for engine failure situations and alternative landing facilities.

The structural design of the helipad is proposed to comply with the International Civil Aviation Organisation (ICAO) standards for effective firefighting and operational safety controls.

Despite the operation not being for commercial purposes, the Applicant has adopted safety management processes consistent with a commercial operation, involving annual audits on aircraft and pilots, infrastructure compliant with national and international requirements and a trained Helicopter Landing Site Operator onsite for each take-off and landing, to conduct daily inspections and VHF Airband radio trained.

The Applicant plans to develop an Emergency Response Plan which will form part of the overall Safety Management System. A Safety Manager is anticipated to be appointed to coordinate the operation. External auditing will also be carried out.

In the event of catastrophic engine failure, Guideline 1 sought further information on alternative landing sites within the immediate locality. The proposed helipad meets the required D-Value, which is the largest overall dimension of the nominated helicopters when rotors are turning: i.e. the helipad

has a design value 'D' (size) of 19.6m, and all three helicopter types have a rotor dimensions that does not exceed 13m, allowing for an additional safety margin when operating from the roof area.

The PER identified the strategic positioning of the proposal, noting there are a number of possible options for emergency landings, such as ovals and parks, within the wider locality.

Having been asked to consider alternative landing options in the event of a catastrophic engine failure, the Applicant identified the two main airports which could be utilised in a controlled emergency situation: Parafield Aerodrome and Adelaide Airport.

Given the proposal is for daylight operations only, Day Visual Flight Rules (VFR) apply, allowing for "multiple emergency landing sites". The PER does not identify the precise location of emergency landing sites, however an image is supplied which identifies the proposed locations (refer Figure 6).

Public submissions were received from nearby schools, which were nominated in the PER as being emergency landing areas. These schools were not supportive of these arrangements, given the additional risk to students, requirement for an evacuation process and a lack of clarity on the notification procedures in the event of an emergency.

Figure 6: Proposed emergency laydown areas
Source: PER

Guideline 1 requires the proximity, accessibility and availability of the identified alternative landing facilities to be addressed. A significant number of submissions received raised concerns regarding safety, crash risk to residents and school students, distractions to drivers and a lack of detail in the PER regarding firefighting and emergency services.

Concerns raised regarding emergency laydown areas have been responded to in the supplementary Fight Safety report. Specifically, these laydown areas are hypothetical only, as in reality the pilot would unlikely land in identified areas, but would instead seek to land the helicopter in an area that poses the lowest risk to people and property. Similarly, public submissions sought a risk assessment for the operations of the facility which has been provided by Flight Safety.

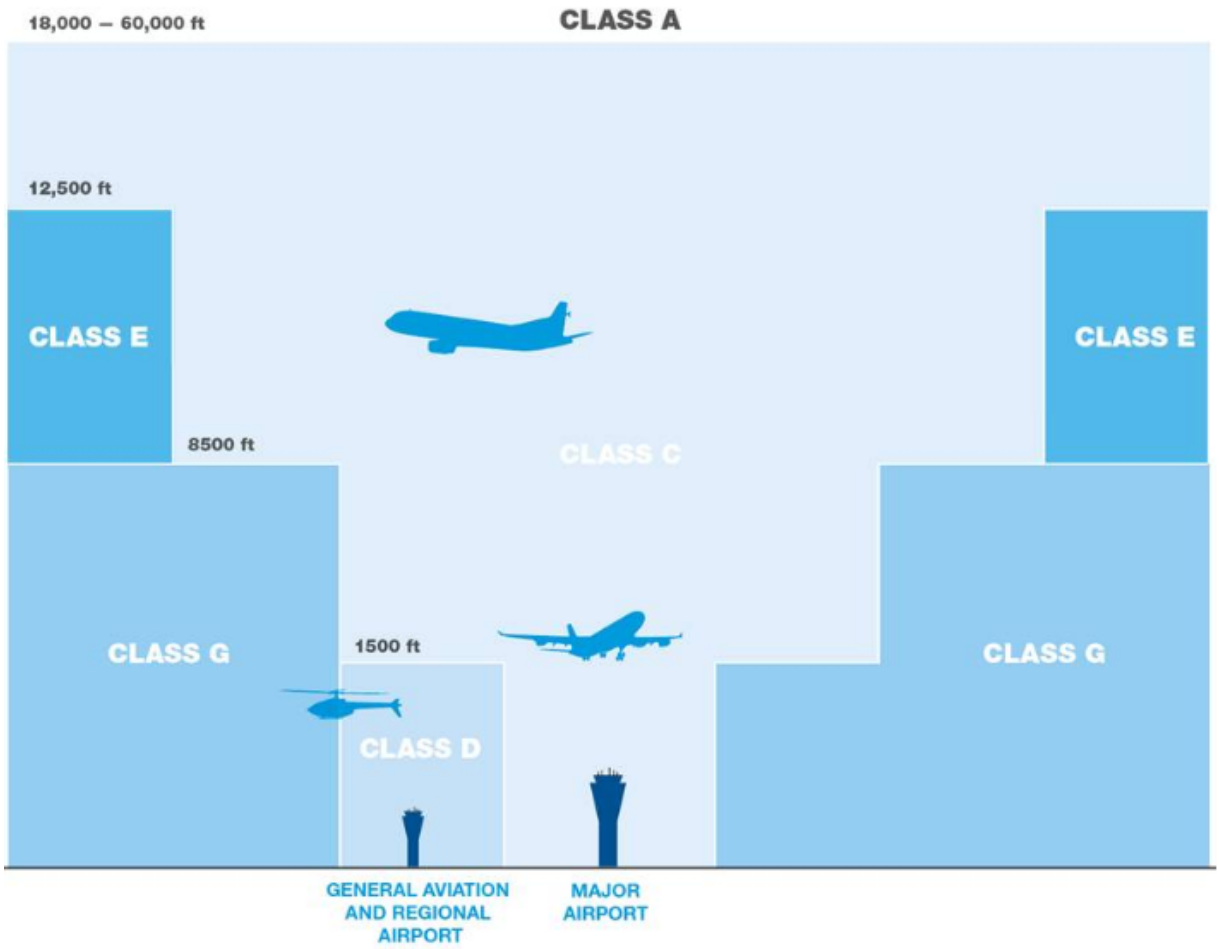

Figure 7: Australian airspace architecture
Source: Airservices Australia (https://www.airservicesaustralia.com/about-us/our-services/how-air-traffic-control-works/how-airspace-is-managed/)

5.3.3 Safety and navigation

Guideline 1 sought safety considerations associated with the provision of any guidance and landing lights on the landing facility. Given the close proximity of tall built structures, the safety and navigation considerations were required to be evaluated.

The PER highlights the proposed operations will occur during the daylight hours only, with nominated operating hours to be between 7:00am and 10:00pm.

Perimeter and flood lighting is proposed in the design for lower visibility operations and to assist pilots during take-off / landing phases (refer Figure 8).

The proposal is in close proximity to existing tall built structures, including the Water Tower residential apartments at 275 Portrush Road, Norwood, the Clayton Wesley Uniting Church at 280 Portrush Road, Norwood and the Nuova residential apartments at 254 The Parade, Norwood. Further information was sought regarding the safe navigation of these structures during operations.

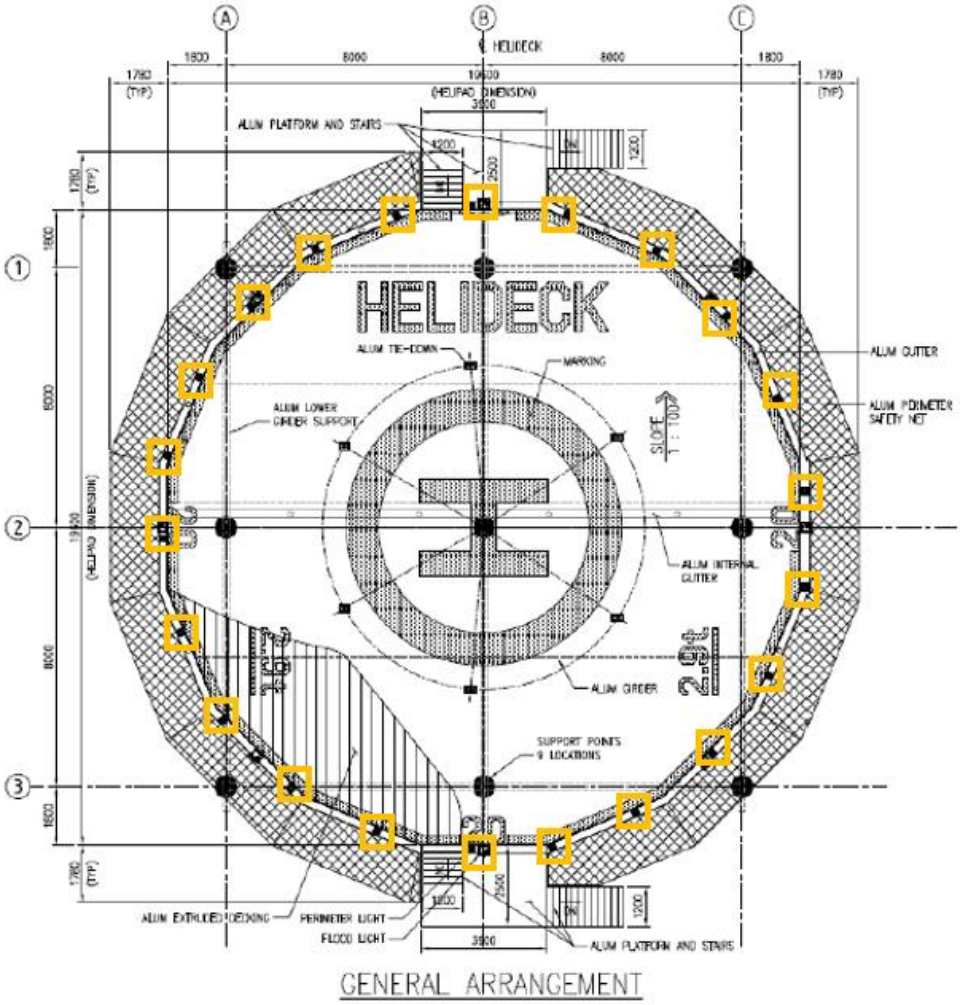

Figure 8: Proposed perimeter lighting (yellow highlights added)
Source: Submitted plans, prepared by Flight Safety

The Applicant's aviation consultant advised that the approach and departure design profiles will meet the minimum requirements as identified in Annex 14, Volume II of the ICAO Standards and Recommended Practices. The maximum clearance of the existing structures will be accommodated.

Figure 9 illustrates the proposed landing facility is not obstructed by the Clayton Wesley Uniting Church, directly opposite the subject site. Similarly, all surrounding tall structures can be accommodated from a safety and flight navigation perspective as Final Approach and Take-off (FATO) areas can be adjusted.

Figure 9: West elevation
Source: Submitted plans, prepared by MPH Architects

5.3.4 Regulation compliance

Guidance within Guideline 1 sought clarification on the alignment and compliance of the proposal with any State and Commonwealth Aviation regulations, standards or codes of practice. The Applicant's aviation consultant confirmed that CASA does not regulate offshore helidecks, onshore surface level or elevated helipads.

The delegated responsibility rests with the owner / operator to comply with the ICAO standards, specifically the Standards and Recommended Practices, Annex 14, Volume II. The PER identifies that, although for private operations only, compliance with the commercial level ICAO standards for safety have been achieved. These standards include the required horizontal and vertical obstruction clearance parameters.

5.3.5 Prevailing meteorological conditions

Consideration of the proposal against the prevailing meteorological conditions was sought through the Guidelines. The PER includes an historic Wind Rose which provides accurate long-term forecasting of the prevailing winds over Adelaide between 1955 and 2016. The average prevailing winds are North-easterly / South-westerly (refer Figure 10). The FATO approaches will be aligned accordingly; specifically the landing profile is from a south-westerly direction; and the departure profile is forwards in a north-easterly direction (refer Figure 11).

Public submissions raised concerns with the flight paths being over residential areas. In response to the EPA's request for the Applicant to consider multiple flight paths and associated noise, supplementary information has been provided by Flight Safety. It was confirmed by Flight Safety that there is only one route available for arriving and departing helicopters, which is typical for FATO design approaches. It is noted that pilots can accommodate weather conditions to utilise the nominated design FATO. In instances of adverse weather, the operational will be suspended or cancelled.

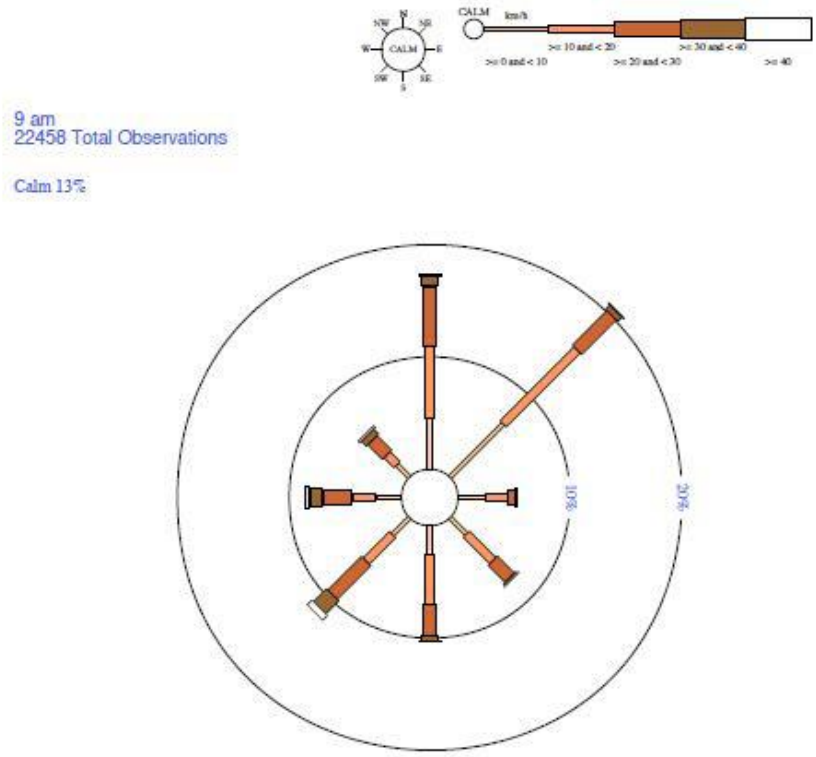

Figure 10: Wind Rose – February 1955-April 2016
Source: Bureau of Meteorology

Figure 11: Arrival (red) and departure (blue) flight paths
Source: Submitted supplementary Sonus report, prepared by Sonus

5.3.6 Bird strike safety and amenity

The PER notes that bird strike, resulting from helicopters, are a rare event. As helicopters have a slower forward moving speed in comparison to fixed wind aircraft, bird strike can be controllable to a degree. Coupled with slower speeds, helicopters have increased visibility in comparison to fixed wing aircraft. The Applicant's aviation consultant suggested pulsating white LED lights could be fitted to the helicopters if required.

5.3.7 Refuelling facilities

The PER confirmed no refuelling facilities are proposed for the helicopter landing facility. Refuelling will be undertaken at the departure location. For this reason, no fuel will be stored onsite.

Guideline 1 Conclusion

The AR concludes that the PER and Response Document satisfactorily identifies relevant Regulations, the prevailing meteorological conditions and navigational considerations. The facility can be constructed to meet relevant technical specifications, and operationally there is a recognition of the need for an ongoing management regime with a clear focus on safety and risk mitigation.

The lack of detail in the PER regarding the emergency landing areas initially compounded the community's perception of safety and risk introduced by the proposed facility. The Response Document correctly identifies that these laydown areas are hypothetical only, as in reality, the pilot would take action to land the helicopter in an area that poses the lowest risk to people and property.

Notwithstanding the appropriate focus on procedure and regulation, this does not undo the fact that the proposal represents a land use which introduces a heightened risk of aviation failure, which given the nature and density of adjoining land uses, would be catastrophic.

The AR concludes that in overall terms the introduction of an incompatible land use and elevated risk, which cannot be managed or mitigated to a level that currently exists, is not supported.

5.4 Neighbourhood Interface

Guideline 2: Evaluate the impacts of the proposal on the locality, taking into account its approved bulk, scale and interface relationship to neighbouring residential development, nursing home facilities, educational, communal and other public facilities.

This Guideline required an assessment of a range of potential impacts on nearby sensitive land uses, wildlife and domestic animals. Similarly, the adequacy of clearance distances from sensitive land uses in the event of a catastrophic engine failure or landing. Assessment of the impacts of air pollution were also to be considered.

As indicated above, the NP&SP Development Plan is silent on assessment provisions relating to helicopter landing facilities, as these types of land uses are generally not anticipated outside of designated zones and areas (such as established airports and critical care facilities).

References within the Development Plan to aircraft relate only to the height of buildings to ensure that existing airspace requirements (i.e. clear zones) to and from airports are protected.

Development within the Business Zone should not include land uses which by their operation will adversely affect the amenity of the adjacent residential zone (PDC 3) and should limit (as is reasonably practical) elevated noise and air pollution beyond the site (PDC 2). The desired character of the zone states that there should be progressive improvements made to the environmental aspects of business.

From an interface and amenity perspective, the Development Plan seeks to minimise adverse impacts and conflict between land uses (Obj. 26 – Interface between land uses). The health and amenity of the community is to be protected to support the continuation of all desired land uses (Obj. 27). Development should not detrimentally affect the locality through the introduction of air emissions, noise, light spill, hours of operation and the like (PDC 80).

Non-residential development in residential zones should not detrimentally impact on the amenity of nearby residents and provide adequate protection for residents from air and noise pollution, traffic disturbance and other harmful effects on health or amenity (PDC 82).

It is relevant to note that, surrounding the subject site, the various Residential and Community land uses are zoned accordingly and provide opportunities to be further developed. Therefore it is considered a reasonable assumption that sensitive receptors will continue to occupy the land surrounding the proposed helipad.

To address Guideline 2, the PER included an Aviation Specialist Advice Report, prepared by Flight Safety Pty Ltd, a Helicopter Noise Assessment Report, prepared by Sonus and a Helicopter Air Quality Impact Assessment, prepared by Air Quality Professionals.

5.4.1 Noise

In relation to the assessment of the impacts of noise from the proposed development, the provisions of the *Environment Protection (Noise) Policy 2007* (the Noise EPP) was considered to be the most relevant benchmark at the time of the setting of guidelines by the State Planning Commission.

Following release of the Guidelines, both the EPA and the Applicant received advice confirming that noise from the proposed Helicopter Landing facility could not be assessed against the Noise EPP as aircraft noise (which includes helicopter noise) is specifically excluded from the Noise EPP.

Noting the above, the General Environmental Duty (GED) as described in section 25 of the *Environment Protection Act 1993* (EP Act) was subsequently considered to contain the most relevant criteria for assessing the noise impacts of the proposed helicopter landing facility.

The applicant has an overarching obligation to adhere to the general environmental duty prescribed within the EP Act. Furthermore, Section 48 of the *Development Act 1993* requires that the Governor, in making a decision on a major development, take into account the general environmental duty in the EP Act, along with other matters considered relevant.

It is also noted that in relation to the extent to which the operator should be required to assess noise and other impacts, guidance has been provided in case law (Eco-action Kangaroo Island Inc. v Kangaroo Island Council & Ors [2012] SAERDC 14 (17 February 2012)).

In that case the Court concluded that a land use planning application for a helicopter landing facility should consider the impact of the helicopter flight for so long as those impacts can reasonably be said to arise from the use of the land by the helicopter, but no further.

In addition, the Court found that any assessment should consider the impacts of the take-off and landing component, but once a helicopter has reached a **cruising height** the assessment of the impact of the helicopter flight is no longer an assessment which is called for under the *Development Act 1993 (emphasis added).*

The Court further noted that any assessment of the proposed change in the use of the land should assess the impact of the proposal having regard to a locality around the land within which the 'take-off and landing component' will have an impact, in the usual way.

The approach taken by the applicant's PER, as outlined in the report undertaken by Sonus, was to take what it considered to be all reasonable and practicable measures to minimise noise on the site itself and to conduct a comparison of the noise generated by the land use as it related to that generated by other activities, in particular road noise, within the immediate locality.

The Sonus information provided comprised of:

- Measures to minimise noise;
- Measures to moderate the noise to occupants of the development;
- Predicted noise and comparison with existing noise;
- Mapping maximum noise contours associated with landing and take-off of each proposed type of helicopter;
- Predicted noise levels along the arrival and departure paths; and
- Logged noise at indoor and outdoor locations as nominated by the EPA.

Measures proposed by the applicant to minimise noise included the location of the helipad, directly above a plant room and near the centre of the roof level, thereby increasing the distance to residences and allowing the edge of the building to reduce noise. The hours of operation (7:00am – 10:00pm) and limited days of operation (10 days per year) was also designed to minimise noise impacts. Flightpaths were also to be designed to achieve the maximum practical distance from residences (i.e. south-east will be avoided whenever meteorological conditions allow).

To determine the potential noise intrusion of the helicopter operations on the surrounding residential neighbourhood, the Sonus report included the predicted noise of two of the three types of proposed helicopters and provided a comparison with the existing noise environment. The maximum noise (L_{Amax}) predicted was 87dB(A) adjacent to the closest residences on Bowen Street. It should be noted that the PER did not include the predicted noise from the proposed helicopter type with the highest engine power rating, namely the Agusta Westland AW109/H109.

The impact of the noise is often determined by reference to other noise in the environment. In this instance, the Sonus report used the maximum noise levels in Bowen Street adjacent to the closest residences for comparison. A week of comparison data (27 July – 3 August 2016) found that the predicted maximum levels from the proposed helicopter landing facility are regularly exceeded in the existing environment on Bowen Street. No further assessment or conclusions about the impact of the predicted noise on nearby sensitive land uses or on wildlife or domestic animals were made.

In reviewing the PER two methods of noise assessment were utilized by the EPA to assist in framing its advice regarding compliance with the GED.

1. **Benchmarking against Noise Policy Guidelines**

   The EPA noted the proposal is anticipated to:

   - be "very loud" in an absolute and relative sense and considered by the EPA to be highly intrusive to a wide extent. The area impacted by both take off (ascent) and landing (decent) could extend for a radius of 1.3 to 2.3 kilometers respectively;
   - be well above average background noise levels and consistent with the highest instantaneous maximum noise level provided by any short-term activity; and
   - affect conversations, reading, studying or watching television for a significant number of people, however would not interfere with sleeping as the proposal is not contemplating usage at night or very early hours of the morning.

   The EPA identified the noise of the proposed helicopters is expected to include multiple noise characteristics, including significant tonal noise, highly dominant impulsive and modulating characteristics. On this basis, the EPA concluded amongst other matters that:

   - the local area is not considered to have similar noise generating activities nor would the duration, level of noise and character of the activity be expected or typical for the area;
   - each proposed flight is considered by the EPA to be of high intensity and intermittent frequency, the intermittence of the noise would further contribute to the annoyance experienced;
   - it is improbable and impractical to reduce the noise impact of the proposal; and
   - the direct comparison to other noise, such as road traffic noise is problematic given the unique character, duration and wide extent of helicopter noise.

2. **Victorian EPA Noise Guidelines & Australian Standard**

   The EPA noted the Victorian EPA Noise Guidelines identify the following assessment criteria as applicable to helicopter landing facilities:

   - LAeq should not exceed 55dB for a residence;
   - L_{Amax} should not exceed 82dB at nearest residence; and
   - a minimum 150 or 200m separation distance between helicopter landing facility and residence (based on helicopter weight) is recommended.

   In comparison, the EPA advised that:

   - the maximum predicted noise levels (L_{AMAX}) for each proposed helicopter type range between 85dB-95dB; and
   - this noise level would potentially extend to hundreds of residences.

The EPA also highlighted that the *Australian Standard – AS 2021:2015 Acoustics – Aircraft noise intrusion* identifies acceptable indoor noise levels as 50-60dB(A) for dwellings and schools. Based on the Sonus Noise report, the EPA concluded the helicopter facility would not meet the indoor noise levels in AS 2021:2015 at many properties.

In summary, the EPA indicated that the proposal did not comply with the GED under the EP Act and, on this basis, the proposal should not be approved.

The Response Document included an additional report from Sonus which sought to respond to and counter the comments provided by the EPA. In summary, the additional Sonus report presented the following arguments:

- The limited number of proposed flights per year and only during daylight hours demonstrates compliance with the GED by taking all reasonable and practicable measures to prevent or minimise environmental harm.
- In terms of structure and form the height of the seven-storey rooftop helipad design will significantly reduce noise levels. The highest noise levels occur during the hover and take-off phases of flight, and this will occur at low level over the helipad where the maximum shielding effect is available with the extended rooftop area.
- In terms of operations:
  - The duration of the maximum power settings is applicable to both the pre-landing, hover phase of flight (usually accomplished within 45 seconds) and the take-off phase of flight (usually accomplished within 60 seconds).
  - From passengers alighting from engine shut-down is normally completed within ten minutes, i.e. 3 minutes to shut-down and 7 minutes to offload.
  - The start-up and departure will occur in 5 – 10 minutes in accordance with the above noise control parameters.
- The limited number of flights indicates the need for a more considered approach with respect to the applicable noise level requirement. In terms of aircraft noise level acceptability, the lowest category of number of flights identified in the nominated Australian standard is more than 5,000 per year, concluding that this is an order of magnitude more than the possible maximum for the proposed facility. Despite this, the outdoor noise levels of 85-95dB(A) likely to be generated, are within range of Acceptable or Conditionally Acceptable. A further reduction of 16dB(A) is also in order given the limited number of flights per year.
- Trucks with engine breaks using Portrush Road already generate noise with multiple characteristics including significant tonal noise, highly dominant impulsive and modulating characteristics.
- Whilst the EPA identified that the helicopters proposed to be used would generate noise impacting a large number of people, the 90dB(A) contour for the Bell 206 helicopter indicates an impact at less than 20 residential properties.

The EPA reviewed the Response document and made the following comments:

- The number and timing of flights was considered in their assessment, however a discount of 16dB(A) in maximum noise levels for individual aircraft operations was not supported as aircraft and helicopter noise is primarily event driven noise and any discount in maximum noise levels would not provide an accurate depiction of the potential noise impact of the proposed facility.
- The EPA rejected commentary that they did not specifically consider whether all reasonable and practicable measures had been taken into account by the proponent to prevent or minimise environmental harm from the proposed activity. The EPA considers that "the selection of a helipad location which did not require flying low over predominately residential areas with a large number of noise sensitive receivers (unlike the proposed site) would have been a reasonable and practicable approach to minimise noise impacts".
- Comparisons made between other similar noise sources – such as road traffic and lawn mower noise – are not fully consistent with helicopter noise. Road traffic noise is generally constant and consistent, whilst lawnmower noise is situated much closer to the ground surface, and attenuated within a much reduced area.
- Helicopter noise is not attenuated by structures on the ground, such that noise propagation and intrusion into backyards and into dwellings and business premises from helicopter flights has far greater potential to negatively impact on people from a number of kilometres.

- The EPA also noted that the proponent did not provide clear information about the number of flights (or maximum number of flights) that would be undertaken during the 10 days of operation per year, and that the maximum noise level contours prepared by Sonus, failed to include several maximum noise contours (i.e. 85, 90, 95 dB(A)) in the flight path area closest to the proposed helicopter landing area.

The EPA reconfirmed their earlier comments on the PER document: the proposed helicopter landing facility and associated helicopter landing activities do not meet the GED as contained in section 25 of the EP Act and should not be approved.

5.4.2 Vibration

In relation to the assessment of the impacts of vibration on nearby sensitive land uses the PER sought to addressed vibration impacts through the Sonus report. This report noted that the contact between a helicopter and a landing pad does not produce significant vibrations, as is evidenced through routine helicopter landings at hospitals and nearby operating theatres.

The Sonus report states that for vibration from a helicopter to impact on sensitive land in the vicinity, the vibration would need to travel down the proposed building structure and through the ground to residences. Ground vibrations, and subsequent impacts on surrounding sensitive uses, were therefore concluded to be insignificant. It is anticipated by Sonus that vibration levels will not be sensed or measured at residences.

The Response Document noted that vibrations from helicopters has been considered by Sonus (in the PER) and have been found to have the capacity for no measurable impact on the surrounding locality.

5.4.3 Air Quality

An assessment of the impacts of air pollution on nearby sensitive land uses was sought having regard to the provisions of the *Environment Protection (Air Quality) Policy 2016*.

The PER included an Air Quality Impact Assessment report (the Air Quality Report). For the purposes of air emission assessment, the highest engine power rating helicopter type was assumed, namely the AW109 helicopter. Background data, the nature of pollutants, emission rate estimates and meteorological conditions were all considered. An AERMOD dispersion model was used for assessment purposes.

The EPA reviewed the Air Quality Report and was generally satisfied that the inherent conservatism built into the air dispersion modelling and impact assessment was appropriate, specifically the NO_x and NO_2 assumptions.

The EPA confirmed that based on the modelling, the predicted air quality impacts associated with the proposal will comply with the *Environment Protection (Air Quality) Policy 2016*.

5.4.4 Clearance distances

In relation to the assessment on the adequacy of clearance distances from adjoining sensitive land uses in the event of a catastrophic engine failure or catastrophic landing, the PER and Response Document does not specifically address the matter. As identified above (*section 5.3 – Emergency planning, response and alternative landing facilities*), emergency landing area have been notionally identified (refer Figure 5), noting that it is for the pilot ultimately to take action to land the helicopter in an area that poses the lowest risk to people and property.

5.4.5 Rotor blade downwash and rotor wake impacts

In response to clarifying the impacts of rotor blade downwash and rotor wake on building cladding, which had been raised as a concern in public submissions, particularly the impact on heritage buildings such as Clayton Wesley Church, the Applicant's aviation consultant had provided an explanation of the industry mathematical calculation which was included in the design parameters for the proposed landing facility. The Response Document identified that the nominated Final Approach and Take Off route had also been designed to avoid tall structures such as the Clayton Wesley Church and subsequently minimise the impact from rotor blade downwash.

5.4.6 Privacy and Overlooking impacts

Amenity considerations were investigated regarding guidance and landing lights, overlooking into nearby sensitive land uses from users of the helipad, and visual impacts.

Privacy and overlooking concerns were raised through the public submissions, specifically, from owners of properties adjacent the proposal. MPH Architects provided information within the PER which confirmed that helipads have imposed operational restrictions. These restrictions limit the time users will be on the deck and restrict access to the deck, thereby negating opportunity to congregate on the deck and overlook nearby residences.

Assisting with limiting overlooking impacts is the helipad height, located at the highest part of the built form and setback from the building façade line. This design specification restricts view lines and overlooking of adjacent properties, particularly those in Bowen Street.

The above mitigating factors which seek to mitigate privacy and overlooking impacts were reiterated in the Response Document. Specifically, there is anticipated to be very limited opportunities for overlooking due to restricted access and also the landing facility being located centrally on the roof, away from the edge of the building.

The visual impact introduced through the helipad facility was also addressed by MPH Architects in the PER. The helipad is located no higher than the originally approved plantroom. The original plant rooms have been reduced, resulting in a void to the underside of the landing facility. MPH consider this reduces the visual bulk of the rooftop plant. The landing facility is an open mesh deck located on an aluminium frame with perimeter safety netting. MPH conclude that these translucence elements reduce the visual impact of the proposal.

As identified above in section *5.3 – Safety and navigation*, perimeter and flood lighting is proposed for guidance. Lighting amenity considerations have not been documented in the PER.

Guideline 2 Conclusion

The AR concludes that the PER and Response Document satisfactorily deals with issues such as air quality, vibration, and the potential for privacy and overlooking.

In terms of the issue of rotor wash and wake and its impact on adjoining properties, in particular heritage properties, this would need to be subject to an adaptive management framework requiring an understanding (base case) of the current state of the buildings, and then regular checks to ensure no ongoing deleterious impacts. The ongoing monitoring would then provide the basis for any remedial or other work required.

In terms of the issue of noise however, given the established and expected pattern of adjoining land uses, the substantial acoustic and amenity impacts, as highlighted in the EPA's advice, support a conclusion that the proposal is an incompatible land use.

It is noted that the Response Document included a comparison of various noise sources, providing a comparative analysis and likely noise impacts from helicopter noise. The EPA has noted that although there are similarities between these noise sources, as helicopter overflights are above noise sensitive receivers, helicopter noise is not practicably able to be attenuated and will negatively impact people for a number of kilometres from the landing facility.

The question as to whether the use itself is capable of being further limited by condition, to further restrict impacts to an acceptable level, is not one to be entertained when fundamentally the land use itself, significantly departs from the established character, amenity and functionality of that adjoining locality.

The AR concludes that in overall terms the introduction of an incompatible land use and associated noise impacts, which cannot meaningfully be managed or mitigated, is not supported.

5.5 Design Quality

Guideline 3: Evaluate the design response of the development, in particular the proposed design modifications to the top of the building for the Helicopter Landing Facility. The proposal should respond to the Principles of Good Design by the Office of Design and Architecture SA (ODASA)

This Guideline required an assessment of the design response of the development, in particular the proposed modifications to the top of the building for the helicopter landing facility, with a focus on the Principles of Good Design.

The Guideline seeks to ensure the proposal incorporates a well-designed and complementary helipad structure into the previously approved design scheme.

It is noted that a range of submissions received raised concerns reading the visual impact of the helicopter landing facility given the prominent location of the Peregrine headquarters.

Within the Development Plan, the Business Zone includes specific provisions relating to development on the subject site seeking an outcome which is compatible in terms of design and scale with the historical residential character to the south-east (PDC 4). The Kensington Policy Area identifies the corner of The Parade and Portrush Road as being a visually prominent site. The State Heritage listed places are to have prominence on the corners of the intersection.

Council-wide Design and Appearance provisions state that buildings should be designed to minimise their visual bulk and provide visual interest through materiality, vertical and horizontal components and roof form and pitch (PDC 30). Particularly relevant is PDC 38 which envisages structures located on the roofs of buildings to house plant and equipment, should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.

In response, the PER included a Design Statement, prepared by MPH Architects which concluded that the revised rooftop design has a lighter visual impact in comparison to the original plant room and slab configuration (refer Figure 12). The rooftop had been redesigned to remove the full height louvered façade as the plantrooms no longer need to be screened. MPH highlight that this has lessened the visual weight and bulk of the building form at the roof line. Given the location of the helipads in the centre of the roof, this was also considered to assist in reducing the visual impact from the street level.

MPH consider the setback of the helipads from the edge of the building will mean the pads will largely be obscured from view or seen from a distance where they appear as part of rooftop plant equipment

(refer Figures 13 and 14). MPH noted that the proposed simplified rooftop works better with the abstract and irregular geometry of the main building façade.

The Government Architect noted the proposal results in a number of elements that contribute to visual clutter at the rooftop which was inconsistent with the original design intent. To review the visual impact of the rooftop infrastructure, confirmation of the height of the infrastructure within the cooling tower set down area was requested.

The Government Architect sought clarification on a number of matters:

- how the proposal delivers the original design intent;
- the proposed atrium soffit lining treatment and the material composition of the upper fascia of the atrium; and
- how the proposal may be designed or screened to reduce the visual clutter on the rooftop.

Figure 12: Comparison between approved roof top (left) and proposed rooftop (right) from corner The Parade and Portrush Road
Source: DASH Architects

Figure 13: Portrush Road western elevation
Source: MPH Architects

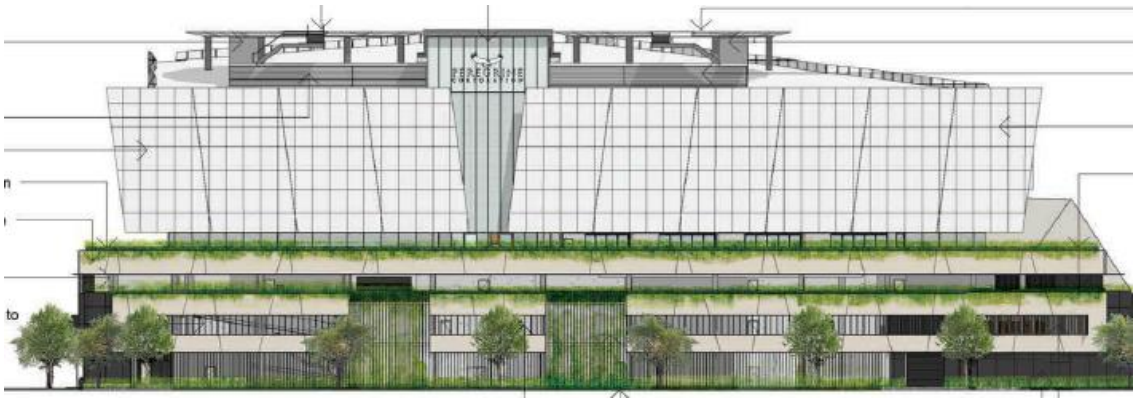

Figure 14: Bowen Street south-eastern elevation
Source: MPH Architects

In addition to the rooftop helipad, the variation includes ground floor plane amendments as a result of site survey work undertaken, including entrance stairs and a ramp.

Relevant to the ground plane amendments, Development Plan Design and Appearance PDC 39 seeks emphasised pedestrian entries to provide all users with perceptible and direct access from public street frontages and vehicle parking areas. Within the PER MPH noted, to limit the impact of the walkways, they have been located furthest from the façade line.

ODASA requested additional plans to review the new entrance stair and ramp configuration and ensure universal access and the arrival experience was appropriate. Clarification was also sought in relation to the overall building height, along with conformation regarding the use of external materials.

The Applicant clarified in the Response Document that final plans of the ground floor plane, which are a reflection of further detailed on site survey work, would be provided in response to the conditions of the original approval.

In terms of the materials to be utilised the Response Document confirms that the atrium to the rear (Bowen Street side) will have a soffit lining of white plasterboard with feature section of powder coat with metal slats. ODASA identified the continued opportunity for further consideration of alternate materials to reduce any maintenance issues.

In relation to the issue of the overall building height there is a recognition that the overall building height remains as per the previous authorisation at 34.85m, however site level survey work has confirmed the RL of the building levels are 1.35m above the RL of the previously authorised building levels.

Detail of the relationship of the building and podium levels and overlooking of the rear Bowen Street properties had also been provided.

Guideline 3 conclusion

The AR concludes that Guideline 3 has been satisfied in that it properly identifies the design response, in particular the modifications to the top of the building. The design modifications to the rooftop and ground plane have been documented through the provision of additional architectural plans and commentary in the PER and Response Document.

The issue of the overall building height has also been properly explained. Whilst not a threshold issue, there are opportunities to further reduce visual clutter of the helipad operation, acknowledging operational requirements.

In respect to the design amendments proposed for the lantern roof to the atrium, adjustments to site levels and access changes for vehicles sought by the current variation, these are considered relatively minor matters of design refinement, and ordinarily could have been dealt with through previous conditions of approval, specifically Conditions 6 and 8, which required the final submission of plans and specifications, consistent with matters already considered.

5.6 Heritage Context

Guideline 4: Evaluate the impacts of the proposal on the heritage context of the locality, particularly in relation to the proposed design modifications to the top of the building.

This Guideline required an assessment of the impacts on the heritage context of the locality, in particular in relation to the proposed design modifications to the top of the building.

In assessing the response provided to Guideline 4, it is relevant to note the applicable Development Plan provisions. In addition to the State and Local Heritage listed places and contributory items in the

vicinity, the subject site immediately adjoins a Residential Historic (Conservation) zone to the south-east. Given the proposal particulars and on land adjoining heritage places, the heritage setting of each place and item is the operative assessment consideration (PDCs 359-361).

The PER included a Heritage Impact Assessment (HIA) prepared by DASH Architects. The HIA presented the original assessment findings and utilised these as a foundation for which elements were specifically sensitive; namely the Clayton Wesley Church. The HIA notes that while the proposal includes variations to the rooftop infrastructure, these appear negligible.

Comparison images (Figures 12, 15, 16) illustrate the amended rooftop when viewed from street level. Notably, the helipads are not visible from the immediate setting of the Clayton Wesley Church when viewed from The Parade. There are glimpses of the changed rooftop from Portrush Road (refer Figure 15) however these are considered by DASH Architects to be inconsequential. The amendments are largely not visible from any of the nearby heritage places and as a result have no consequential impacts to the setting. The most notable changed view is from High Street, looking west (refer Figure 16), although there are no heritage places within the context of these views and the changes are setback from the façade edge, limiting the view.

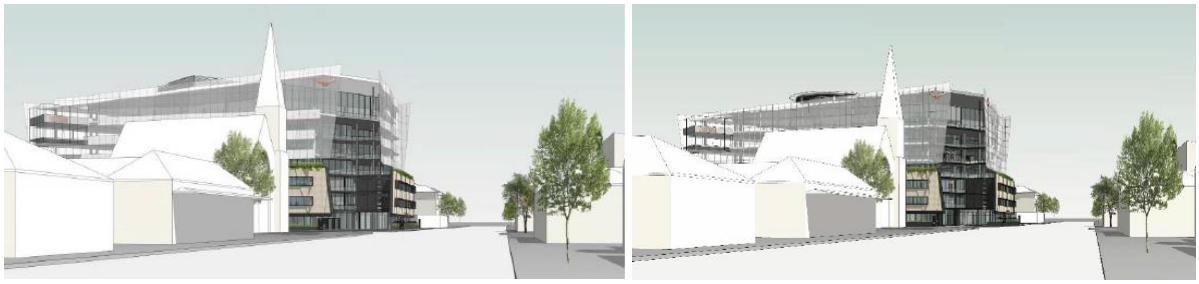

Figure 15: Comparison between approved design (left) and proposed design (right) from Portrush Road, looking south
Source: DASH Architects

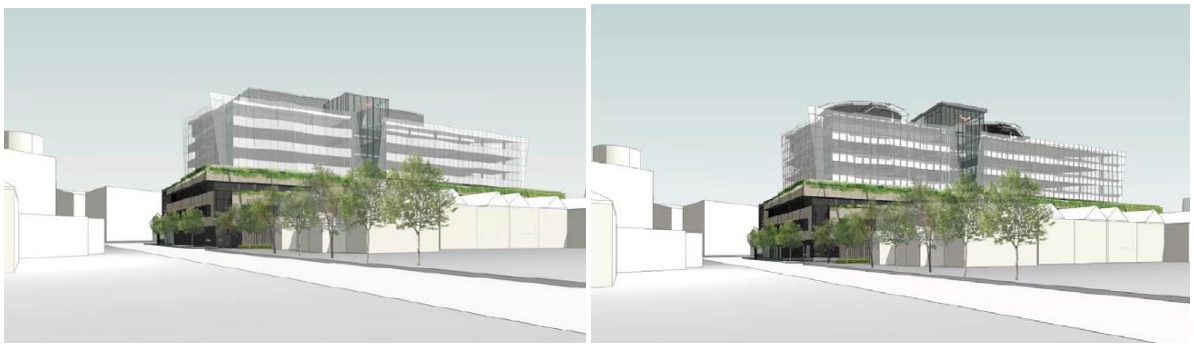

Figure 16: Comparison between approved design (left) and proposed design (right) from High Street
Source: DASH Architects

Heritage SA concurred with the statements within the HIA that the variation to propose a helicopter landing facility is not considered to impact on the nearby State heritage places given the changes will generally not be visible from the context of the heritage places. However, the majority of the land to north-east to south-east is within a Historic Conservation Zone (or similar), whereupon Heritage SA requested the Applicant to review local heritage places and contributory items and provide commentary how the proposal relates to these items. Heritage SA highlighted the relevant requirements of the *Heritage Places Act 1993* and *Aboriginal Heritage Act 1998.*

Dash Architects prepared a Heritage Impact Statement supplement as part of the Response Document, which highlighted how the original PER information responded to Heritage SA's requirement to consider local heritage places and contributory items. The Applicant considers there

are no consequential impacts anticipated on local heritage places and contributory items as a result of the helicopter landing facility.

Concerns were raised through the public submissions regarding the potential damage to the fabric of the Clayton Wesley Church. As identified in section 5.4 this would need to be the subject of an adaptive management framework to confirm no deleterious impact and/or works required.

Guideline 4 conclusion

The AR concludes that Guideline 4 has been satisfactorily met, with the capacity to monitor and manage impacts over time.

5.7 Traffic Impact

Guideline 5: Evaluate the additional traffic impact of the development on the surrounding road network by undertaking updated traffic analysis.

This Guideline required an assessment of the additional traffic impacts on the road network.

Typically, the Development Plan would seek efficient and integrated transport solutions for the surrounding road network. Given the nature of the proposal includes only helicopter movements for transporting people to and from the subject site for business purposes associated with the use of the land, there are no relevant Development Plan provisions.

The PER included a Traffic Impact Assessment (TIA), prepared by GHD which provided updated traffic volumes and crash data. No additional traffic generation modelling or turn path analysis was included in the TIA. GHD concluded that the impacts of the proposal will have little to no effect on the surrounding road network.

The Planning and Transport Policy unit within the then Department of Planning, Transport and Infrastructure provided no comment on the PER.

Guideline 5 conclusion

The AR concludes that Guideline 5 has been satisfactorily met, with negligible additional traffic impact expected as a result of the development of the helipad.

5.8 Economic & Employment Impact

Guideline 6: Evaluate the additional economic contribution of the proposal on the Norwood and Kensington precincts, taking into account the existing commercial and retail circumstances of the area.
Guideline 7: Evaluate the additional local and broader job creation and employment opportunities (including any multiplier effects) resulting from the proposal.

These Guidelines required an assessment of the additional economic and job creation opportunities.

The PER highlights the economic and job creation effect of the helipad, stating that the need for quick, accessible transport is paramount to ensuring a pleasurable experience for overseas and interstate business guests. While visits are anticipated to be infrequent (i.e. 10 days per year), the Applicant asserts that the development will help to secure business and retains its head office operations.

An evaluation of the economic and job creation impacts, prepared by Fyfe, was also included as part of the PER. The Fyfe report reiterated the substantial economic benefits of the original approval for the Headquarters. However, the report concluded that due to the limited use and integrated nature

of the proposed facility, it will generate no additional discernible economic impact or job contribution opportunities in comparison to the approved development.

It is relevant to note that in preparing the PER, the Applicant was required to consider the economic, environmental and social effects of the proposal. The statements regarding economic effects reiterated the benefits stemming from the overall development of the headquarters, noting the helipad is one element which contributes. The Applicant states that the helipad is an important component to service the business needs of the Peregrine Corporation.

Importantly, the Applicant's stated consequences of the proposal not proceeding relate to economic and job impacts, namely:

- The efficiency of Peregrine Corporation's business operations will be impacted, particularly those involving interstate and overseas stakeholders;
- The continued growth of Peregrine Corporation and the follow-on economic and employment benefits to the State will be impacted; and
- Peregrine Corporation's advantage with interstate competitors will be impacted.

Whilst the incorporation of a helicopter landing facility may be seen as a status symbol (i.e. something unique or prestigious that sets it apart from competitors), it is also noted that those (discrete) economic and job creation opportunities associated with the development have not been quantified, and accordingly it is unclear as to the impact of not proceeding with this element.

Public submissions raised concerns regarding the lack of a positive contribution from this element to the local community, and the perception that the detrimental community impacts outweigh any additional economic benefits.

The Response Document reiterated the business benefits to the Applicant to allow the transport of people to and from the new head office building, allowing the Applicant to function more efficiently. However, it is noted that Adelaide Airport is only a 20–25-minute drive to the Peregrine Headquarters, where state and international travellers will arrive in South Australia.

Furthermore, the Applicant considers the ability to transfer interstate and international visitors to The Bend Motorsport Park to be a major showcase and investment drawcard for South Australia, providing a competitive advantage. Again, helicopter flight services are available from Adelaide Airport.

The Response Document concludes that the local community and South Australia as a whole will benefit from the increased investment and business opportunities which the facility is anticipated to support. The flow-on effects of attracting major annual events to The Bend are anticipated to have economic benefits for South Australia.

Guidelines 6 & 7 conclusion

The AR concludes that, when considering the PER and Response Document, there will be some additional economic benefit associated with the development in terms of its capacity to further strengthen the business operations of the applicant, and the flow on benefits that this provides.

However the quantum of this additional benefit is unclear, only that there is unlikely to be any direct local business or employment benefit from the establishment of such a facility (due to its nature and frequency of use), nor has it been demonstrated that any such additional benefit demonstrably outweighs the significant impacts borne by surrounding land uses and residents resulting from helicopter operations.

6 Conclusion

The Assessment Report has assessed the key components of the development against the Guidelines set by the former Development Assessment Commission (14 December 2018), as well as the NP&SP and Burnside Development Plans, State Government legislation and policy, and relevant industry guidelines and standards, and having regard to public submissions, Council and State Agency advice.

The AR concludes that the proposal cannot be supported for the following reasons:

- The introduction of an aviation operation represents a substantial departure from the desired development within the Business Zone of the NP&SP Development Plan, and is wholly inconsistent with the surrounding and envisaged land uses of the locality.
- The proposal will introduce overwhelming negative and intrusive amenity impacts to the surrounding sensitive land use occupants from its operation.
- The EPA have concluded that the proposed helicopter landing facility and associated helicopter activities do not meet the general environmental duty as contained in section 25 of the *Environment Protection Act 1993* in relation to noise impacts and should not be approved.
- The proposal introduces impacts which cannot be adequately managed or mitigated to maintain the character, amenity and functionality of the surrounding locality.
- The proposal also introduces a heightened risk of aviation flight failure, the consequences of which would be catastrophic in a densely populated, urban area.
- The provision of helicopter take-off and landing facilities in the Adelaide metropolitan context is reserved either for critical health infrastructure, where the transfer of hospital patients serves a higher public purpose, or airport facilities where aviation services and infrastructure is centralised. There exists no compelling rationale for undermining this key principle.
- Given the inherent and fundamental conflict between the proposal and the surrounding locality the proposal should be refused.

Refusal of this variation proposal does not preclude the proponent from undertaking the previously approved development in accordance with its existing Development authorisation, this includes those minor design amendments for a lantern roof to the atrium, adjustments to site levels and access changes for vehicles sought by the current variation. These design changes are not fundamental to require a further assessment process, as are supported, and can be separately considered under Conditions 6 and 8 of the previously gazetted decision of 26 April 2018.

7 Recommendation

It is recommended that the Governor be advised to refuse the development proposed by the Peregrine Corporation for the construction and operation of a helicopter landing facility at 270 The Parade, Kensington, pursuant to section 48(2)(b)(ii) of the *Development Act 1993*.

8 Appendix 1

8.1 The Governor as the Relevant Authority – Additional Assessment Matters

Section 48(5) of the *Development Act 1993* requires that before the Governor considers a proposal that has been declared a Major Development, the Governor must have regard to (amongst other things) the provisions of the appropriate Development Plan and the Development Regulations, the Building Rules, the Planning Strategy, the *Environment Protection Act 1993*, the applicable (in this case) PER, along with the Assessment Report, any other matters considered relevant.

In respect of applications being assessed as Major Developments under the Act, the appropriate Development Plan and Planning Strategy are those current at the time of the decision, as Section 53 of the Act does not apply to the Major Development provisions of the Act.

In conjunction with that assessment detailed above the following provides relevant commentary against those additional individual items as an Appendix to the Assessment Report.

8.2 Planning Strategy

8.2.1 The 30-Year Plan for Greater Adelaide (the Plan)

State Planning Policies represent the highest level of policy, and address the economic, environmental and social planning priorities for South Australia.

The 30 Year Plan for Greater Adelaide, first prepared in 2010, underwent a review in 2017 to respond to new information, updated trends and to document the progress achieved to date.

Specifically, the Update focussed the following matters:

- Responding to our growth in population
- Reflecting the needs of our changing households
- Enabling more housing choices
- Ensuring our land supply is in the right locations
- Protecting our valuable agricultural, tourism and environmental assets
- Supporting our public transport investment
- Growing our economy and competitiveness
- Dealing with interface issues through good design
- Developing healthy and walkable neighbourhoods
- Strengthening our response to climate change
- Responding to the transformation of our planning system

To support economic development the Update sought to ensure a modernisation of the planning policies support new industries while allowing traditional strengths to continue and prosper. Where possible, the economy is to be stimulated through the removal of barriers to business group to ensure regulations support opportunity rather than create burdens.

The Update acknowledges the changing patterns of production and employment as the knowledge and service sectors grow in importance. To ensure Greater Adelaide continues to be economically competitive, shifts in global and local economics need to be responded to.

A key objective and principle of the plan is to increase economic growth and competitiveness.

Some of the key targets and policies from the Plan that are relevant to the assessment of this Major Development include:

> ***Policy – Transit corridors, growth areas and activity centres***
> *P8: Provide retail and other services outside designated activity centres where they will contribute to the principles of accessibility, a transit-focused and connected city, high quality urban design, and economic growth and competitiveness.*
>
> ***Policy – Design Quality***
> *Facilitate good design outcomes that ensure new development positively contributes to existing neighbourhoods.*
>
> ***Policy – The economy and jobs***
> *Support economic development and unlocking investment.*
>
> ***Policy – Emergency Management and hazard avoidance***
> *Minimise risk to people, property and the environment from exposure to hazards by designing and planning for development in accordance with a risk hierarchy of: avoidance; adaptation; protection.*

The proposed development is at variance with neighbourhood development policies that support development which contributes to the amenity and liveability of established areas, and where interface issues must be sensitively managed.

Planning for and managing risks in urban areas will ensure the ongoing liveability and safety of communities by designing and planning for development in accordance with a risk hierarchy of: avoidance, adaptation and/or protection.

8.3 Development Plan

The Major Development has been against the relevant provisions of the Norwood, Payneham and St Peters (City) Development Plan Consolidated 11 February 2021* appropriate at the time of decision. This assessment is provided throughout the body of the preceding Assessment Report. **Note – this is a recent amendment which does not change the substantive nature of the planning policies considered by the proponent or in the preparation of this assessment report.*

8.4 Environment Protection Act 1993

Based on the information provided, no activities of environmental significance, as defined in Schedule 1 of the *Environment Protection Act 1993* (EP Act) have been identified. However, the Governor, before making a decision on the proposed development, should have regard to the objects of the Act, the general environmental duty and any relevant environment protection policies.

The objects of the Act are:

- *To promote the principles of ecologically sustainable development.*
- *To ensure that all reasonable and practicable measures are taken to protect, restore and enhance the quality of the environment having regard to the principles of ecologically sustainable development, and to prevent, reduce, minimise and, where practicable, eliminate harm to the environment.*

In addition, proper weight should be given to both long and short term economic, environmental, social and equity considerations in deciding all matters relating to environmental protection, restoration and enhancement. The Environment Protection Authority (EPA) is required to apply a precautionary approach to the assessment of risk of environmental harm and ensure that all aspects of environmental quality affected are considered in decisions relating to the environment.

The following Environment Protection Policies are applicable:

- *Environment Protection (Water Quality) Policy 2003.*
- *Environment Protection (Air Quality) Policy 1994.*
- *Environment Protection (Waste to Resources) Policy 2010.*

8.5 Building Rules Consent

This AR does not include an assessment of the proposal against the provisions of the Building Rules under the *Development Act 1993*.